

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

In the Matter of) CV. NO. 03-00672 SOM-BMK

The Complaint of MORNING STAR)
CRUISES, INC., a Hawaii corporation.)

SHIROH FUKUOKA, Individually and) CV. NO. 04-00588 SOM-BMK

as Personal Representative of THE)

ESTATE OF MITSUKO FUKUOKA,)

and as Next Friend of MIHO)

FUKUOKA, a Minor,)

Plaintiffs,)

vs.)

MORNING STAR CRUISES, INC., a)

Hawaii corporation; JOHN DOES 1-)

10, JANE DOES 1-10, DOE)

CORPORATIONS 1-10, DOE)

PARTNERSHIPS 1-10, DOE JOINT)

VENTURERS 1-10, DOE LIMITED)

LIABILITY ENTITIES 1-10, DOE)

NON-PROFIT ENTITIES, 1-10, DOE)

GOVERNMENTAL ENTITIES 1-10,)

DOE UNINCORPORATED)

ENTITIES 1-10, and OTHER DOE)

ENTITIES 1-10,)

Defendants.)

DECLARATION OF GREGORY K. MARKHAM

GREGORY K. MARKHAM, hereby declares as follows:

1. I am an attorney licensed to practice law in all the Courts in the State of Hawaii.

2. I am a partner for the law firm of Chee & Markham and one of the attorneys for Defendant/Limitation Plaintiff Morning Star Cruises, Inc. (hereinafter Morning Star) in the above-entitled matter.

3. I have personal knowledge of and am competent to testify concerning the matters set forth below.

4. Attached hereto as Exhibit "A" is a true and correct copy of the appraisal report dated November 24, 2003 of the survey of the twenty-four foot steel barge O/N HA 1367 CP conducted by maritime surveyor Michael Doyle.

4. Attached hereto as Exhibit "B" is a true and correct copy of the waiver signed by Mitsuko Fukuoka and translated by Steven C. Silver of Silver Bridges International, LLC.

I, GREGORY K. MARKHAM, DO DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE AND CORRECT.

DATED: Honolulu, Hawaii, July 21, 2006


GREGORY K. MARKHAM